

FILED  
2010 OCT 12 PM 3:51  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
CLEVELAND

Case No. 10-3935

**UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

**ORDER**

*1:08cv236  
DAP*

JAMES GEMELAS

Plaintiff

and

CLYDE PADGETT PADGETT

Appellant

v.

THE DANNON COMPANY, INC.

Defendant - Appellee

Upon consideration of the stipulation of the parties to voluntarily dismiss the appeal herein pursuant to Rule 42(b), Federal Rules of Appellate Procedure,

It is **ORDERED** that the motion is **GRANTED** and the appeal is dismissed.

**ENTERED PURSUANT TO RULE 45(a),  
RULES OF THE SIXTH CIRCUIT**  
Leonard Green, Clerk

*Leonard Green*

Issued: October 12, 2010